

FOR THE RELIEF OF NGUYEN QUY AN

SEPTEMBER 20, 1996.—Committed to the Committee of the Whole House and
ordered to be printed

Mr. HYDE, from the Committee on the Judiciary,
submitted the following

REPORT

[To accompany H.R. 1087]

[Including cost estimate of the Congressional Budget Office]

The Committee on the Judiciary, to whom was referred the bill (H.R. 1087) for the relief of Nguyen Quy An and Nguyen Ngoc Kim Quy, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. WAIVER OF CERTAIN NATURALIZATION REQUIREMENTS FOR NGUYEN QUY AN.

(a) **IN GENERAL.**—Notwithstanding the inability of Nguyen Quy An to meet the requirements of section 316 of the Immigration and Nationality Act that relate to having the status of an alien lawfully admitted for permanent residence, and residence and physical presence in the United States, if otherwise qualified he shall be considered eligible for naturalization and, upon filing an application for naturalization and being administered the oath of renunciation and allegiance pursuant to section 337 of such Act, shall be naturalized as a citizen of the United States.

(b) **DEADLINE FOR APPLICATION AND PAYMENT OF FEES.**—Subsection (a) shall apply only if the application for naturalization is filed with appropriate fees within 2 years after the date of the enactment of this Act.

Amend the title so as to read:

A BILL for the relief of Nguyen Quy An

PURPOSE

H.R. 1087 waives the requirements of the Immigration and Nationality Act that relate to having the status of an alien lawfully admitted for permanent residence, and residence and physical presence in the United States and allows Nguyen Quy An to apply for naturalization.

BACKGROUND

Major Nguyen Quy An is a 52-year old South Vietnamese national currently in the United States on humanitarian parole.

Major Nguyen Quy An was a South Vietnamese helicopter pilot in Vietnam. During the war he saved the lives of four American airmen. Later on in the war, the Major sustained injuries which resulted in the amputation of both of his arms. As a result of his inability to perform work tasks, when he was placed in a "re-education" camp by the North Vietnamese, they expelled him from the camp after nine weeks.

An entry program was set up by the United States to help Vietnamese immigrate to this country who were severely punished for siding with the United States during the war. One of the requirements of that program was that the individual had to have been placed in a re-education camp for a period of one year. Because the Major was kicked out of the camp after only nine weeks, he did not meet the requirement for entry through that program.

The legislation originally included Major An's daughter, who is here on humanitarian parole as well. Because Major An can file a petition for his daughter, an amendment was adopted at Subcommittee to remove the daughter from the legislation. The version of this legislation reported by the Subcommittee allowed Major An to file for permanent residence. An amendment was offered and accepted at full Committee to allow Major An to forego the permanent residence period and file for naturalization.

If Major An had not lost his arms, he would have stayed in the camp the required time to qualify for entry through the program set up for South Vietnamese allies.

COMMITTEE ACTION

On May 23, 1996, the Subcommittee on Immigration and Claims favorably reported the bill H.R. 1087, as amended by voice vote, to the Judiciary Committee.

On September 11, 1996, the Committee on the Judiciary ordered reported favorably H.R. 1087 with an amendment by voice vote, a quorum being present.

COMMITTEE OVERSIGHT FINDINGS

In compliance with clause 2(l)(3)(A) of rule XI of the Rules of the House of Representatives, the Committee reports that the findings and recommendations of the Committee, based on oversight activities under clause 2(b)(1) of rule X of the Rules of the House of Representatives, are incorporated in the descriptive portions of this report.

COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT FINDINGS

No findings or recommendations of the Committee on Government Reform and Oversight were received as referred to in clause 2(l)(3)(D) of rule XI of the Rules of the House of Representatives.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 2(l)(3)(B) of House rule XI is inapplicable because this legislation does not provide new budgetary authority or increased tax expenditures.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

In compliance with clause 2(l)(3)(C) of rule XI of the Rules of the House of Representatives, the Committee sets forth, with respect to the bill, H.R. 1087, the following estimate and comparison prepared by the Director of the Congressional Budget Office under section 403 of the Congressional Budget Act of 1974:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, September 18, 1996.

Hon. HENRY J. HYDE,
Chairman, Committee on the Judiciary,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 1087, a bill for the relief of Nguyen Quy An, as ordered reported by the House Committee on the Judiciary on September 11, 1996. The bill would exempt Nguyen Quy An from meeting certain requirements for naturalization. CBO estimates that enacting H.R. 1087 would result in no significant cost to the federal government.

H.R. 1087 would impose no private-sector or intergovernmental mandates as defined by the Unfunded Mandates Reform Act of 1995 (Public Law 104-4), and CBO estimates that its enactment would not impose significant costs on the budgets of state, local, or tribal governments.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Mark Grabowicz.

Sincerely,

JUNE E. O'NEILL, *Director.*

INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(l)(4) of rule XI of the Rules of the House of Representatives, the Committee estimates that H.R. 1087 will have no significant inflationary impact on prices and costs in the national economy.

AGENCY VIEWS

The comments of the Immigration and Naturalization Service are as follows:

U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, DC, June 12, 1996.

Hon. HENRY HYDE,
Chairman, Judiciary Committee,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: In response to your request for a report relative to H.R. 1087 for the relief of Nguyen Quy An, also known

as An Quy Nguyen, and Nguyen Ngoc Kim Quy, also known as Ngoc Kim Quy Nguyen, there is enclosed a memorandum of information concerning the beneficiaries.

The bill would provide that the beneficiaries would be eligible for issuance of immigrant visas or for adjustment of status to that of aliens lawfully admitted for permanent residence upon filing applications for immigrant visas or for adjustment of status. The bill would also require payment of appropriate application fees. The bill would further require the proper visa number deductions.

Sincerely,

FOR THE COMMISSIONER,
PAMELA BARRY,
Director, Congressional Relations.

Enclosure.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND
NATURALIZATION SERVICE FILES RE H.R. 1087

The beneficiary, Nguyen Quy An, also known as An Quy Nguyen, a native and citizen of Vietnam was born on January 18, 1943. He resides in San Jose, California with his son and daughter. In 1962 the beneficiary graduated from high school in Saigon. He served as a helicopter pilot in the Air Force of the Republic of Vietnam from 1963 to 1974, and received some of his training at Ft. Rucker, Alabama and Ft. Wolter, Texas. He flew numerous combat missions in support of U.S. troops in Vietnam. On one of his missions he rescued four crew members of a U.S. helicopter which had been shot down. He was cited for the U.S. Silver Star and on June 14, 1969 he was awarded the U.S. Distinguished Flying Cross for "Heroism while participating in aerial flight". On his last combat mission both of his arms were amputated at the U.S. Army 3rd Field Hospital in Saigon. After the fall of the government of the Republic of Vietnam, he was released after nine weeks, making him ineligible to leave Vietnam through the orderly departure program. After 1975 he made three attempts to escape Vietnam, but was apprehended each time and imprisoned.

The beneficiary is presently unemployed and claims as his only asset a 1984 Honda Accord and he claims no significant liabilities. He is enrolled in a job training program and is receiving training in accounting. His son, a lawful permanent resident, is employed as a janitor at \$5.50 per hour and is ineligible to naturalize due to a conviction for possession of a firearm. The beneficiary has a brother who is a naturalized United States citizen residing in Virginia, who will file a petition on Mr. Nguyen's behalf enabling him to apply for a family fourth preference visa. At the present time, visas in this category are available to applicants with priority dates of February 15, 1986. The beneficiary has four other brothers and sisters, one is a citizen and resident of Vietnam. The others are citizens of France and are currently residing in France. The beneficiary's mother is a native and citizen of Vietnam and is still residing in Vietnam. The beneficiary has been married twice. Both marriages ended in divorce.

The beneficiary, Nguyen Ngoc Kim Quy, also known as Ngoc Kim Quy Nguyen, is the daughter of Nguyen Quy An. She is a native

and citizen of Vietnam, born on February 2, 1972. She resides in San Jose, California with her father and her brother. She completed high school in Vietnam in 1990. Prior to coming to the United States, she was a licensed cosmetologist in Vietnam. She is currently earning approximately \$5.50 per hour working as an assembler in San Jose, California. She claims no significant assets or liabilities. Her mother, who is a native and citizen of Vietnam, resides in Vietnam.

